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**HEARING DATE: February 29, 2008**  
**TIME: 10:00 AM**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE:

Chapter 11

DELPHI CORPORATION, *et al.*,

Case No. 05-44481 (RDD)

Debtors.

(Jointly Administered)

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**NOTICE OF MOTION FOR LEAVE TO FILE LATE CLAIM**

PLEASE TAKE NOTICE that upon this notice of motion and the accompanying memorandum of law and supporting declaration, the United States of America, on behalf of its agency the United States Equal Employment Opportunity Commission (EEOC), by its attorney Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the Honorable Robert D. Drain, United States Bankruptcy Judge, at Courtroom 610 of the Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004, on the 29th day of February, 2008, at 10:00 a.m., or as soon thereafter as counsel may be heard, for an order pursuant to Federal Rule of Bankruptcy Procedure 9006(b)(1), extending the time for the EEOC to file its proofs of claim against the debtors and allowing such claims against the debtors as if the EEOC

had timely filed the claims, as EEOC's untimeliness is by reason of "excusable neglect," together with such other and further relief as the Court may find just, proper and equitable.

PLEASE TAKE FURTHER NOTICE, that responses, if any, must (i) be made in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules; (iii) set forth the basis for the response and state with specificity the reason or reasons why the requested relief should not be granted; and (iv) be (a) electronically filed with the Bankruptcy Court at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov) by registered users of the Bankruptcy court's case filing system, and by all other parties in interest, by submitting to the Clerk of the Bankruptcy Court at The United States Bankruptcy court for the Southern District of New York, One Bowling Green, New York, New York 10004 the response on a 3.5 inch disk, preferably in Portable Document Format (PDF), Microsoft Word, WordPerfect, or any other Windows-based word processing format, and served in accordance with General Order M-242 with a paper copy delivered directly to the Chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge for the Southern District of New York, together with proof of service thereof, and (b) served upon counsel for the Government, Michael J. Garcia, United States Attorney, 86 Chambers Street, Third Floor, New York, New York 10007, Attn: Matthew L. Schwartz, AUSA, so as to be received no later than 12:00 PM on February 27, 2008.

Dated: New York, New York  
February 22, 2008

MICHAEL J. GARCIA  
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